

2008 No. 1866 (W.178)

EDUCATION, WALES

**The School Budget Shares
(Prescribed Purposes and
Consequential Amendments)
(Wales) Regulations 2008**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 50(3)(a) of the School Standards and Framework Act 1998 allows the governing body of a maintained school to spend its budget share on any purpose of the school. These Regulations set out additional purposes on which the governing body can spend its budget share. These purposes are the provision of teaching and of associated services and items to children and young persons who are not registered pupils at the school, and in relation to maintained nursery schools only, educational or other provision for children on the premises of the school and administrative support to other maintained nursery schools. The governing body must report annually to its local education authority on such expenditure. A school can therefore supply educational services to children and young persons who are not registered pupils at the school using its own budget share rather than having to reclaim amounts from other schools.

The Schools Budget Shares (Wales) Regulations 2004 are also amended so as to allow local authorities to include sums in the budget shares of maintained schools in respect of provision made in accordance with these regulations.

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(Wales) Regulations 2008**

Made 11 July 2008

Laid before the National Assembly for Wales
16 July 2008

Coming into force 31 August 2008

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 47 and 50(3)(b) of the School Standards and Framework Act 1998(1), and now vested in them(2), make the following Regulations:

1.—(1) The title of these Regulations is the School Budget Shares (Prescribed Purposes and Consequential Amendments) (Wales) Regulations 2008, and they come into force on 31 August 2008.

(2) These Regulations apply in relation to Wales.

2. The following purposes are prescribed as purposes for which the governing body of a maintained school may spend its budget share —

- (a) the provision of teaching to children and young persons who are not registered pupils at the school;
- (b) the provision of learning materials, educational resources, transport, meals and accommodation for children and young

(1) 1998 c.31. Section 47 is amended by paragraph 6 of Schedule 16 to the Education Act 2005 (c.18).

(2) Functions of the Secretary of State were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

persons who are not registered pupils at the school; and

- (c) in respect of maintained nursery schools only, any educational or other provision made for children on the premises of the school (including any such provision made by the governing body under section 27 of the Education Act 2002⁽¹⁾), or administrative support provided for other maintained nursery schools in the area of the same local education authority.

3. These purposes are prescribed subject to the condition that the governing body by 30 July each year submits to the local education authority maintaining the school a statement setting out details of the provision made in the preceding financial year in accordance with these Regulations, and the expenditure on that provision.

4. The Schools Budget Shares (Wales) Regulations 2004⁽²⁾ are amended by adding the following paragraph after paragraph 36 of the Schedule to those Regulations—

“37. Such items of expenditure as are prescribed by regulation 2 of the School Budget Shares (Prescribed Purposes and Consequential Amendments) (Wales) Regulations 2008.”.

Jane E. Hutt

Minister for Children, Education, Lifelong Learning
and Skills, one of the Welsh Ministers

11 July 2008.

⁽¹⁾ 2002 c.32.

⁽²⁾ S.I. 2004/2506 (W.224), as amended by S.I. 2005/2913, S.I. 2005/3238.